

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1141

Introduced by Suttle, 10

Read first time January 10, 2000

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Nebraska Cosmetology Act; to amend
2 sections 71-340, 71-3,106, and 71-3,224, Revised Statutes
3 Supplement, 1999; to define terms; to provide and change
4 provisions relating to licensure exemptions; to change
5 provisions relating to nail technology schools; to
6 harmonize provisions; to repeal the original sections;
7 and to declare an emergency.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-340, Revised Statutes Supplement,
2 1999, is amended to read:

3 71-340. Sections 71-340 to 71-3,235 and sections 2 and 3
4 of this act shall be known and may be cited as the Nebraska
5 Cosmetology Act.

6 Sec. 2. Manicuring means the practice of performing any
7 or all of the acts of cutting, shaping, trimming, polishing,
8 coloring, tinting, cleansing, reshaping, or other similar cosmetic
9 or sanitary acts on the natural fingernails or toenails of a person
10 but does not include the practice of nail technology.

11 Sec. 3. A licensed cosmetology establishment is not
12 required to be licensed as a nail technology salon to provide nail
13 technology services by either a licensed cosmetologist or by a
14 licensed nail technologist.

15 Sec. 4. Section 71-3,106, Revised Statutes Supplement,
16 1999, is amended to read:

17 71-3,106. The Nebraska Cosmetology Act does not apply to
18 or restrict the activities of the following:

19 (1) Any person holding a current license or certificate
20 issued pursuant to Chapter 71 when engaged in the usual and
21 customary practice of his or her profession or occupation;

22 (2) Any person engaging solely in ear piercing,
23 tattooing, or other invasive beautification practices;

24 (3) Any person when engaged in domestic or charitable
25 administration;

26 (4) Any person performing any of the practices of
27 cosmetology or nail technology solely for theatrical presentations
28 or other entertainment functions;

1 (5) Any person practicing within the confines of a
2 hospital, nursing home, massage therapy establishment, funeral
3 establishment, or other similar establishment or facility licensed
4 or otherwise regulated by the department, except that no unlicensed
5 or unregistered person may accept compensation for such practice;

6 (6) Any person providing services during a bona fide
7 emergency;

8 (7) Any retail or wholesale establishment or any person
9 engaged in the sale of cosmetics, nail technology products, or
10 other beauty products when the products are applied by the customer
11 or when the application of the products is in direct connection
12 with the sale or attempted sale of such products at retail;

13 (8) Any person when engaged in nonvocational training;
14 ~~and~~

15 (9) A person demonstrating on behalf of a manufacturer or
16 distributor any cosmetology, nail technology, or electrolysis
17 equipment or supplies if such demonstration is performed without
18 charge; and

19 (10) Any person or licensee engaged in the practice or
20 teaching of manicuring.

21 Sec. 5. Section 71-3,224, Revised Statutes Supplement,
22 1999, is amended to read:

23 71-3,224. In order to maintain its license in good
24 standing, each nail technology school shall operate in accordance
25 with the following requirements:

26 (1) Every person accepted for enrollment as a standard
27 student shall meet the following qualifications:

28 (a) He or she has attained the age of seventeen years on

1 or before the date of his or her enrollment in a nail technology
2 school;

3 (b) He or she has completed the equivalent of a high
4 school education; and

5 (c) He or she has not undertaken any training in nail
6 technology in this state after January 1, 2000, without being
7 enrolled as a nail technology student;

8 (2) Every person accepted for enrollment as a special
9 study nail technology student shall meet the following
10 requirements:

11 (a) He or she has attained the age of seventeen years on
12 or before the date of enrollment in a nail technology school;

13 (b) He or she has completed the tenth grade; and

14 (c) He or she is actively continuing his or her formal
15 high school education on a full-time basis as determined by the
16 department.

17 Special study nail technology students shall be limited
18 to attending a nail technology school for no more than eight hours
19 per week during the school year;

20 (3) Proof of age shall consist of a birth certificate,
21 baptismal certificate, or other equivalent document as determined
22 by the department. Evidence of education shall consist of a high
23 school diploma, general educational development certificate, or
24 equivalent document as determined by the department. No nail
25 technology school shall accept an individual for enrollment who
26 does not provide evidence of meeting the age and education
27 requirements for registration;

28 (4) Every person accepted for enrollment as a nail

1 technology student instructor shall show evidence of current
2 licensure as a nail technician in Nebraska and completion of formal
3 education equivalent to a United States high school education;

4 (5) The school shall, at all times the school is in
5 operation, have at least one nail technology instructor in the
6 school; ~~for each twenty students or fraction thereof enrolled in~~
7 ~~the school, except that beginning and advanced students shall be~~
8 ~~taught in separate classes;~~

9 (6) The school shall not permit any nail technology
10 student to render clinical services on members of the public with
11 or without fees until such student has satisfactorily completed the
12 beginning curriculum, except that the board may establish
13 guidelines by which it may approve such practices as part of the
14 beginning curriculum;

15 (7) No school shall pay direct compensation to any of its
16 nail technology students. Nail technology student instructors may
17 be paid as determined by the school;

18 (8) All nail technology students and nail technology
19 student instructors shall be under the supervision of a nail
20 technology instructor or nail technology student instructor at all
21 times when nail technology services are being taught or performed;

22 (9) Once a nail technology student has been classified as
23 a permanent drop, if after two years the student has not reenrolled
24 in a nail technology school in Nebraska or transferred his or her
25 hours to a school in another state, all hours earned by the student
26 shall be declared void;

27 (10) No student shall be permitted by the school to train
28 or work in a school in any manner for more than ten hours a day;

1 and

2 (11) The school shall not credit a nail technology
3 student or nail technology student instructor with hours except
4 when such hours were earned in the study or practice of nail
5 technology in accordance with the required curriculum. Hours shall
6 be credited on a daily basis. Once credited, hours cannot be
7 removed or disallowed except by the department upon a finding that
8 the hours have been wrongfully allowed.

9 Sec. 6. Original sections 71-340, 71-3,106, and
10 71-3,224, Revised Statutes Supplement, 1999, are repealed.

11 Sec. 7. Since an emergency exists, this act takes effect
12 when passed and approved according to law.